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Diane C. Thornton

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DIANE C. THORNTON, MICHAEL S. HESS, and RICKEY
HOWARD JOHNSON

Appeal 2009-005502
Application 10/729,259
Technology Center 2100

Before JEAN R. HOMERE, STEPHEN C. SIU, and JAMES R. HUGHES,
Administrative Patent Judges.

SIU, *Administrative Patent Judge.*

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-27. We have jurisdiction under 35 U.S.C. § 6(b).

The Invention

The disclosed invention relates generally to a drawing conversion assignment and management system (Spec. 3).

Independent claim 1 is illustrative:

1. A drawing conversion management and assignment system, comprising:
 - receiving logic of a computer system operable to receive notification of completion of a land base drawing file that is associated with a plat corresponding to a parcel of land represented by the land base drawing file;
 - a database coupled to the receiving logic, operable to create a drawing conversion job record associated with the completed land base drawing file, the drawing conversion job record indicating that the plat corresponding to the completed land base drawing file is tasked to be converted into a new drawing format;
 - assignment logic of the computer system coupled to the database and operable to assign the drawing conversion job record to a draftsman and to instruct the database to record the assignment, the drawing conversion job involving creation of a new drawing file based on at least information depicted in the land base drawing file and a prior plat of the parcel of land represented by the land base drawing file; and
 - completion logic of the computer system coupled to the database and operable to receive a request to close the drawing conversion job record from the draftsman, and to instruct the database

to mark the drawing conversion job record as closed to indicate that the plat has been redrawn in the new drawing format.
(App. Br. 22, Claims Appendix).

The Reference

The Examiner relies upon the following reference as evidence in support of the rejections:

Chauhan US 2004/0236620 A1 Nov. 25, 2004

The Rejections

1. The Examiner rejects claims 1-9 and 19-27 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.
2. The Examiner rejects claims 1-27 under 35 U.S.C. § 102(e) as being anticipated by Chauhan.

ISSUES

Issue 1

The Examiner finds that claims 1-9 recite “software per se” (Ans. 3) and are therefore directed to non-statutory subject matter. The Examiner also finds that claims 19-27 are directed to a “computer readable medium [that] comprises ‘propagation medium’ and ‘paper’ which are non-statutory.

Did the Examiner err in finding that claims 1-9 and claims 19-27 are directed to non-statutory subject matter?

Issue 2

Appellant argues that Chauhan fails to disclose “redrawing a plat for a parcel of land from an old format into a new format . . . receiving notification of creation of this land base drawing file, creating a drawing conversion job record, assigning the job record to a draftsman, and then receiving a request to close the job after the job is completed by the draftsman” (App. Br. 11-12).

Did the Examiner err in finding that Chauhan discloses each limitation recited in claim 1?

FINDINGS OF FACT

The following Findings of Facts (FF) are shown by a preponderance of the evidence.

1. The Specification discloses that the computer readable medium “could even be paper or another suitable medium upon which the program is printed” (Spec. 16).
2. Chauhan discloses customers calling a utility company to request service (§ [0081], ll. 1-2), the utility company assigning a Field Engineer to the customer site (§ [0081], ll. 5-7), and the Field Engineer using geographic information and sketches of the customer site to generate a work order (§ [0081], ll. 9-11), the information obtained from the Field Engineer being entered into the system at the utility company.

3. Chauhan discloses that a superior reviews the work order information obtained by the Field Engineer, estimates the cost of the work, then submits a work order that is scheduled and assigned to a work crew. The work crew travels to the customer site and performs the work according to the work order that was approved by the superior (§ [0081], ll. 20-29).
4. Chauhan discloses that the supervisor “checks for (i) rules for connectivity, (ii) required database fields, and (iii) other dependencies” (§ [0081], ll. 22-24).

PRINCIPLES OF LAW

In rejecting claims under 35 U.S.C. § 102, “[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation.” *Perricone v. Medicis Pharm. Corp.*, 432 F.3d 1368, 1375 (Fed. Cir. 2005) (citation omitted).

ANALYSIS

Issue 1

Claim 1 recites a system comprising a database coupled to logic of a computer system. The Examiner finds that claim 1 recites “software per se” because claim 1, according to the Examiner, fails to recite a system that is “associated with physical components” (Ans. 3). However, the Examiner fails to demonstrate that a system with a database as recited in claim 1 is not

a “physical component.” Nor do we agree with the Examiner that a system with a database is merely “software per se” since a computing system with a database are disclosed as “embodied in hardware” (Spec. 39).

Claim 19 recites a computer readable medium. The Examiner finds that claim 19 recites a computer readable medium that “comprises . . . ‘paper’ which [is] non-statutory” (Ans. 3). Appellant argues that claim 19 “does not describe . . . a medium like paper” (App. Br. 8), which is in direct contradistinction with the Specification that discloses that the computer readable medium is paper (FF 1). Because the Specification discloses that the computer readable medium includes paper, we find Appellant’s argument unpersuasive that the “computer readable medium” as recited in claim 19 supposedly does not describe paper (App. Br. 8).

For at least the aforementioned reasons, we affirm the Examiner’s rejection of claims 19-27 but we conclude that the Examiner erred in rejecting claims 1-9 with respect to this issue.

Issue 2

As set forth above, claim 1 recites a system in which a record of a drawing conversion job in which a drawing file is to be converted into a new drawing format (i.e., “creation of a new drawing file” based on information in a land base drawing file and a prior plat of land) is assigned to a draftsman and recorded in a database. The system recited in claim 1 also receives a request from the draftsman to close the drawing conversion job

upon completion of the job to indicate that the plat has been redrawn in the new drawing format.

Chauhan discloses a system in which customers report issues to a utility company which sends a Field Engineer to generate a work order based on geographic features of the customer site. A “superior” in Chauhan reviews and approves the work order from the Field engineer after which time a utility crew is dispatched to the customer site to perform the work described in the work order (FF 2-3).

The Examiner equates the “superior” in Chauhan with the claimed “assigned draftsman” (Ans. 12) but fails to indicate how the “superior” in Chauhan is assigned a record of a drawing conversion job in which a drawing is “tasked to be converted into a new drawing format” or that after the job is completed, the “superior” in Chauhan sends a request to close the job record “to indicate that the plat has been redrawn in the new drawing format” as recited in claim 1. Rather, the “superior” in Chauhan appears to review a work order from a Field Engineer and merely checks the work order for rules for connectivity, required database fields, and other dependencies (FF 4). None of these tasks appear to relate to converting a drawing file into a new drawing format.

Also, after the “superior” in Chauhan approves the work order, repair crews are dispatched to the customer site to perform the work (FF 2-3). We do not find, and the Examiner has not demonstrated, that Chauhan also discloses that the “superior” approving the work order (i.e., approves the

cost, rules for connectivity, required database fields, and other dependencies) results in the superior requesting the system to close the work order to indicate that anything was redrawn in a new drawing format, much less a completed land base drawing file as recited in claim 1. In fact, the superior approving the work order appears to only indicate that a work crew is to be dispatched to the customer site to perform the requested work.

Claims 10 and 19 recite similar features as claim 1.

Accordingly, we conclude that the Examiner erred in rejecting independent claims 1, 10, and 19, and claims 2-9, 11-18, and 20-27 which depend therefrom with respect to this issue.

CONCLUSION OF LAW

Based on the findings of facts and analysis above, we conclude that the Examiner did not err in finding that claims 19-27 are directed to non-statutory subject matter but we conclude that the Examiner erred in finding that claims 1-9 are directed to non-statutory subject matter and that Chauhan discloses each limitation recited in claims 1-27.

DECISION

We affirm the Examiner's decision rejecting claims 19-27 under 35 U.S.C. § 101. We reverse the Examiner's decisions rejecting claims 1-9 under 35 U.S.C. § 101 and claims 1-27 under 35 U.S.C. § 102(e).

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Application 10/729,259

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

rvb

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